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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,151	06/13/2001	Anders Stenberg	010315-104	4114

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EXAMINER
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ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

MAIL DATE	DELIVERY MODE
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05/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/879,151

Applicant(s)

STENBERG, ANDERS

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 17-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 17-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Allowable Subject Matter***

The indicated allowability of claims 17, 26, and 42 is withdrawn in view of the newly considered reference(s) to Summers (3,952,746). Rejections based on the newly considered reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6, 8-9, 17-20, 22-23, 26, 35-36, 38-39, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Summers (3,952,746).

With respect to claims 1-2, Summers discloses an absorbent article, as shown in figure 1, comprising a topsheet 17, a backsheet 16, and an absorbent body. The backsheet 16 comprises a strip part 52 and a remaining part 16, as shown in figure 8,

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the strip part 52 being transparent and therefore having a different tint than the remaining part 16, as disclosed in column 4, lines 63-65. A wetness indicator 54 is arranged inside of the backsheet 16 on the strip part 52, as shown in figure 8. The wetness indicator 54 is arranged in a pattern comprising a plurality of wetness indicators 54, as shown in figure 6, and is visible through the backsheet 16 at strip part 52.

With respect to claims 4, 8, 22, and 38, the strip 52 is fully capable of indicating the size or total absorption capacity of the article.

With respect to claims 5, 19, and 35, the strip extends over the entire length of the article, as shown in figure 6.

With respect to claims 6, 20, and 36, the strip extends in part in the transverse direction of the article at a line where the article is folded during positioning of the article, as shown in figure 2.

With respect to claims 9, 23, and 39, the article is a diaper, as shown in figure 2.

With respect to claims 17, 26, and 42, the wetness indicator 54 is disposed on the strip 52, as shown in figure 8.

With respect to claims 18, 27, and 43, a portion of the wetness indicator 54 is disposed on the remaining part of the backsheet 16, as shown in figure 8, which is not covered by the strip 52.

Claims 1-11, 18-25, 27-41, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Cammarota et al. (6,307,119).

With respect to claim 1, Cammarota discloses an absorbent article comprising a liquid pervious topsheet 42, a liquid impervious backsheet 40, and an absorbent body 44. The liquid impervious backsheet 40 comprises a strip part 72, as shown in figure 1, the strip part 72 being integral and having a different color than the backsheet 40. A wetness indicator 66 is arranged on an inside of the backsheet 40, as disclosed in column 16, lines 29-31, and is applied adjacent the strip part 72, as shown in figure 1. Since the wetness indicator 66 is located adjacent the strip part 72, the strip part 72 is fully capable of facilitating location of the wetness indicator 66 due to their proximity to one another.

With respect to claim 2, Cammarota discloses an embodiment having the strip part 72 located on a separate strip of material 112 fastened on the inside of the backsheet 110, as shown in figure 9B. A plurality of wetness indicators 66 are arranged on the inside of the backsheet 110 and are visible through the backsheet 110, as disclosed in column 21, lines 41-48, and are applied adjacent the strip part 72, as shown in figure 1. Since the wetness indicator 66 is located adjacent the strip part 72, the strip part 72 is fully capable of facilitating location of the wetness indicator 66 due to their proximity to one another.

With respect to claim 3, the wetness indicator 66 is applied adjacent the strip part 72 in an area of the backsheet 110 not covered by the strip part 72, as shown in figure 1.

With respect to claim 3, the strip 72 is fully capable of indicating the size or total absorption capacity of the article.

With respect to claims 5, 19, 28, and 35, the strip 72 extends at least an essential part of the length of the article, as shown in figure 1.

With respect to claims 6, 20, 29, and 36, the strip 72 has a dimension in the transverse direction of the article, and the article is fully capable of being folded along the strip 72.

With respect to claims 7, 10, 11, 21, 24, 25, 30, 33, 34, 37, 40, and 41, the wetness indicator 66 has a width of between about 1.5 cm and 3 cm, as disclosed in column 11, lines 25-27. The strip 72 has a width of approximately the size of the wetness indicator 66, as shown in figure 1, and therefore has a width within the range of 1 cm to 8 cm.

With respect to claims 8, 22, 31, and 38, the article further comprises printed symbols "big boy" or "big girl," as disclosed in column 7, lines 13-14, which are capable of indicating the size or type of the product.

With respect to claims 9, 23, 32 and 39, the article is a diaper or incontinence guard.

With respect to claims 18, 27, and 43, the wetness indicator 66 is disposed on the remaining part of the backsheet 40.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 10-11, 21, 24-25, 37, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Summers (3,952,746).

Summers discloses all aspects of the claimed invention with the exception of the width of the strip. It would have been obvious to one of ordinary skill in the art at the time of invention to make the strip of Summers have a width of 1-8 cm, since it has been held that where the general conditions of the claims are disclosed in the prior art, finding the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*CLA*

cla

April 26, 2007

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

